

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay. The examiner has indicated that the case contains allowable subject matter.

The priority papers were filed with the original application papers and their receipt was acknowledged in the above-mentioned Examiner's Action. The undersigned hereby reiterates the priority claim made in the earlier-filed Declaration.

Claim 5, which originally depended directly from independent claim 1, has been found to contain allowable subject matter. Accordingly the subject matter of original claim 1 has been added to claim 5 making it independent and allowable along with claims 6 and 7 depending from claim 5.

The instant invention defines over the cited art as shown in US patent 3,551,641 of Truhan in that there is no "groove of a cross-sectional shape generally corresponding to a cross-sectional shape of the tubing" being cooled. FIG. 6 shows something that might be considered to be a groove, but it is formed by the tubing, not by the support body, so it is irrelevant to the instant invention.

Seating the tubing in a groove in the cooling body according to the instant invention provides several advantages. First of all it makes it fairly easy to fit the tubing to the cooling body, a tricky chore that must be repeated with each patient when used, for example, in a dialysis machine. In addition the groove ensures that the tubing, even when it softens somewhat as it is heated, will remain in position during use. Finally the grooves provide considerable surface contact between the tubing and the cooling body, so that excellent heat exchange and heat mediation is ensured.

Since Truhan shows no such groove, a §102 rejection on this reference is impossible. Furthermore since in all the embodiments of Truhan, the support body has an ungrooved surface, there is no teaching or suggestion to groove the surface. In fact FIGS. 4 through 6 show that the adjacent layers of tubing are bonded unitarily together, making a groove unnecessary. Thus claim 1 is clearly allowable under §103 over Truhan.


The other cited reference, US patent 5,474,538 of Stihler, has something resembling a groove, but otherwise represents the admitted state of the prior art. There is no tapered surface so that cooling this tubing is somewhat difficult and fitting it to the groove requires working at least partially blind or craning to see what one is doing. At best Stihler represents

the admitted prior art and does not add to the teachings of Truhan to form a valid §103 rejection.

If only minor problems remain that could be settled in a telephone conference, the examiner is invited to telephone the undersigned.

For these reasons all the claims in the case are in condition for allowance. Notice to that effect is earnestly solicited.

Respectfully submitted,  
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Enclosure: Extension Request